

Appl. No. : **10/787,063**
Filed : **February 25, 2004**

REMARKS

Applicant would like to thank the Examiner for allowing Claims 1-9, 19, and 20. Claims 10-18, 21, and 22 stand rejected. By this paper, Claims 10, 11 and 13 have been amended. Thus, Claims 1 through 22 are presented for reconsideration. Applicant respectfully requests entry of the amendments and following remarks.

Claim 10 Rejections

Independent Claim 10 was rejected for having insufficient antecedent basis for the flange limitation. Furthermore, the web limitation in Claim 10 was not given patentable weight. In response, Applicant has amended Claim 10 to recite, for example, "a plurality of flanges, each having a passageway extending therethrough." Applicant respectfully submits that the rejection of Claim 10 for having insufficient antecedent basis has been overcome and accordingly requests that the web limitation be given patentable weight.

Independent Claim 10 was rejected under 35 U.S.C. § 103(a) as being obvious over Tromel (U.S. Patent No. 3,177,649) in view of Coff et al. (U.S. Patent No. 5,944,322). As discussed in Applicant's response filed October 10, 2006, the Tromel reference fails to disclose, inter alia, the web structure. Allowed Claim 1 also recites a web structure.

Tromel further teaches away from connecting the flanges with a web. By connecting the flanges in Tromel, the branch pipes would be prevented from rotating about the axis of their straight portions 13a and 14a resulting in excessive stress at the welded joints. See column 2, lines 63-67 and Figure 1. Accordingly, Tromel does not teach or suggest the structure recited by amended Claim 10. The applied prior art of record does not cure this deficiency in Tromel. Therefore, Applicant respectfully submits that the rejection of independent Claim 10 as being obvious over Tromel in view of Coff et al. has been overcome.

Dependent Claims 11-18 depend directly or indirectly from Claim 10, thus, are patentable for at least the same reasons that support the allowance of Claim 10. Therefore, allowance of Claims 10-18 is respectfully requested

Claim 21 and 22 Rejections under 35 U.S.C. § 103(a) over Tromel in view of Coff et al.

Independent Claims 21 and 22 were rejected under 35 U.S.C. § 103(a) as being obvious over Tromel (U.S. Patent No. 3,177,649) in view of Coff et al. (U.S. Patent No. 5,944,322).

Appl. No. : 10/787,063
Filed : February 25, 2004

Claim 21 recites a “flange further comprising bolt holes for directly connecting the flange to the internal combustion engine” with that same flange having “a recessed seal surface configured so as to support therein a gasket in a manner such that at least a portion of the gasket is open to the passageway.” Claim 22 recites, for example, “each flange having bolt holes for directly connecting the flanges to the multi-cylinder engine” with the same flange having “a recessed sealing surface.” As discussed in Applicant’s response filed October 10, 2006, the Tromel reference fails to disclose, inter alia, these structures. However, the Final Office Action has misinterpreted what is disclosed in Tromel.

The Office Action states, “Because the flange (Fig. 4, No. 18) is between the bolting flange and the engine block as pictured in Figure 4, the flange (Fig. 4, No. 18) must have holes for the bolts to pass through.” A closer inspection of Figure 1 reveals that the bolts 21 are arranged at the four corners of the bolting flange 15 and are spaced a distance away from the radial flange 18. The radial flange 18 is illustrated in Figure 1 by two coaxial circles. Thus, the bolts 21 do not pass through the radial flange 18.

The initial confusion as to the location of the radial flange 18 comes from Figure 4. Figure 4 is a cross-section view through the center of the flange, not through the flange at a location of the bolts 21. Rather, the bolts 21 shown in Figure 4 are in the background (i.e. partially behind the pipe 13). This interpretation is consistent with both Figures 1 and 4 since the bolts 21 are not cross-hatched in Figure 4 and that a portion of each bolt 21 head is hidden from view behind the pipe 13. Figure 2 is also consistent with Figures 1 and 4 and shows a side view with the bolt heads in front of the pipe 13.

Thus, the bolts 21 do not pass through the radial flange 18. The multi-component arrangement disclosed in Tromel includes a separate and unique bolting flange 15 which abuts the radial flange 18 of the adapter 17. “The flange 18 is tightened against the gasket 19 sufficient to effect a pressure tight seal but is not held rigid.” The flange 18 only abuts the bolting flange 15 but is not integral to the bolting flange 15. See column 2, lines 35-39. Thus, the bolting flange 15, not the radial flange 18, includes bolt holes for directly connecting to the engine.

Further, the gasket 19 forms a seal between the cylinder head 16 and the radial flange 18. See column 2, lines 30-32. Accordingly, the radial flange 18, not the bolting flange 15, includes a seal surface.

Appl. No. : **10/787,063**
Filed : **February 25, 2004**

Tromel further teaches away from the recited limitations from Claims 21 and 22. Tromel discloses only one sealing arrangement for the branch pipes to the cylinder heads and explains that this one arrangement is of "considerable importance." See column 2, line 34. The sealing arrangement in Tromel teaches to not rigidly hold the radial flange 18 and sealing surface relative to the engine. This flexible arrangement is at least in part achieved by locating the sealing surface on the radial flange 18 separate from the bolting flange 15. Accordingly, Tromel does not teach or suggest the structure recited by Claims 21 and 22. The applied prior art of record does not cure this deficiency in Tromel. Therefore, Applicant respectfully submits that the rejection of independent Claims 21 and 22 as being obvious over Tromel in view of Coff et al. have been overcome.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

Any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a portion of a claim should not be understood to base patentability on solely that portion; rather, patentability must rest on each claim taken as a whole. Applicants have not presented arguments concerning whether the applied references can be properly combined in view of the clearly missing elements noted above, and Applicants reserve the right to later contest whether a proper motivation and suggestion exists to combine these references.

Any claim amendments which are not specifically discussed in the above remarks are not made for patentability purposes, and it is believed that the claims would satisfy the statutory requirements for patentability without the entry of such amendments. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped

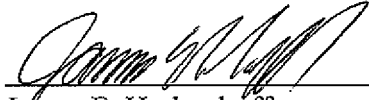
Appl. No. : 10/787,063
Filed : February 25, 2004

issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 1/5/07

By: 
James F. Herkenhoff
Registration No. 51,241
Attorney of Record
Customer No. 20,995
(619) 235-8550

3276076